

CHARLES F. PREUSS (State Bar No. 45783)  
 BRENDA N. BUONAIUTO (State Bar No. 173919)  
 MATTHEW P. SMITH (State Bar No. 247957)  
 DRINKER BIDDLE & REATH LLP  
 50 Fremont Street, 20<sup>th</sup> Floor  
 San Francisco, California 94105  
 Telephone: (415) 591-7500  
 Facsimile: (415) 591-7510

Attorneys for Defendants  
 ORTHO-MCNEIL PHARMACEUTICAL, INC.  
 and MCKESSON CORPORATION

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

E-filing

FILED

AUG - 2 2007

AND W. WIEKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

BZ

CHOLE ALLEN, an individual; LISA  
 ANDERSON, an individual; LAUREN  
 ANDREAS, an individual; BRANDI  
 BAILEY, an individual; COENEKA BALI  
 an individual; MONTOYA BALL, an  
 individual; TIESHIA BAMSEY, an  
 individual; TERTULIETTE BELIARD, an  
 individual; TAMELA BLACKMAN, an  
 individual; DELORES BONNER, an  
 individual; JASMINE BOX, a minor, by  
 and through her guardian ad litem  
 SCHARLETTA BOX; LACI BRIGNAC,  
 an individual; JERHONDA BROWN, an  
 individual; DAMITA BYNUM, an  
 individual; QUIEONNA CARPENTER, an  
 individual; ERIKA CARR, an individual;  
 WENDY CARRIGAN, an individual; M.  
 CHARLOTTE CHEATHAM, an  
 individual; SHERIE COLLINS, an  
 individual; KERRI COOPER, an individual;  
 TERRY COREAU, an individual;  
 MARANDA CRUMEDY, an individual;  
 CENNIE DARBY, an individual; JOEY  
 DAVIS, an individual; SUSAN DOMAN,  
 an individual; ALCOLA EDWARDS, an  
 individual; SARAH EVANS, an individual;  
 TRYSHA GRAVES, an individual;  
 ALEJANDRINA GARZA, an individual;  
 GERALDINE GILLIGAN, an individual;  
 RHONDA GRANJA, an individual;  
 STACY GREENWOOD, an individual;  
 REBECCA GRICE, an individual; SARAH  
 GRIFFITH, an individual; DOROTHY  
 GURERRIER, an individual; TAMIERA  
 HARRIS, an individual; MICHELE

Case No.

C 07 3980

DECLARATION OF BRENDA N.  
 BUONAIUTO IN SUPPORT OF NOTICE  
 OF REMOVAL AND REMOVAL OF  
 ACTION UNDER 28 U.S.C. § 1441(B)  
 [DIVERSITY]

1 HELKENN, an individual; NADIA  
 2 HERNANDEZ, an individual; COURTNEY  
 3 HEWETT, a minor by and through her  
 guardian ad litem, ANNETTE HEWETT;  
 4 ROCKENIA HUDSON, an individual;  
 JENNIFER JACKSON, an individual;  
 5 CLARICE JENKINS, an individual;  
 KRYSTAL JENNINGS, an individual;  
 6 TIFFANY JENSEN (PENKE), an  
 individual; CANDIS JOHNSON, an  
 individual; DOMONIQUE JOHNSON, an  
 individual; JANNIEL JOHNSON, an  
 7 individual; MICHELLE JOHNSON, an  
 individual; NICOLE JOHNSON, an  
 8 individual; TAMMY JONES, an individual;  
 TIARA JOYNER, an individual;  
 9 AMANDA KING, an individual; YANA  
 KRISHTAL, an individual; VALERIE  
 10 LANE, a minor by and through her guardian  
 ad litem, VIVIAN LANE; DANA LEWIS,  
 11 an individual; MARY LEWIS, an  
 individual; DARCI LIDSTER, an  
 12 individual; MICHELLE LOCKET, an  
 individual; DENISE LUCERO, an  
 13 individual; VIRGINIA MANGANO, an  
 individual; TRACI MARGIOTTA, an  
 14 individual; LENIKA MCNAIR, an  
 individual; JUDY MICKENS, an  
 15 individual; ARIES MITCHELL, an  
 individual; TOSHEA MORGAN, an  
 16 individual; STAPHANIE MULLINGS, an  
 individual; TYREE NEAL, an individual;  
 17 JULIANA PAIZ, an individual; ERINA  
 PARKER, an individual; ERIKA PENA, an  
 18 individual; JENNIFER PROCH, an  
 individual; TRACY RILES, an individual;  
 19 URSHALA RIVERS, an individual;  
 MARGARET ROGERS, an individual;  
 20 TAMANISHA RUBIN, an individual;  
 CARRIE RYAN, an individual; IESHIA  
 21 SCOTT, an individual; REBECCA  
 SHERRY, an individual; TONYA SIMMS,  
 22 an individual; JESSICA SMITH, an  
 individual; LINDA TANNER, an  
 23 individual; CLEO THOMPSON, an  
 individual; CRYSTAL WALDO, an  
 24 individual; KRISTEN WALKER, an  
 individual; TIFFANY WALKER, an  
 25 individual; NIKKIA MARTIN, a minor by  
 and through her guardian ad litem, LAURA  
 26 WASHINGTON; JOYCE WATERS, an  
 individual; CRYSTAL WEAVER, an  
 27 individual; DAWN WHITE, an individual;  
 MARIE WILLIAMS, an individual;  
 28 SHERITA WILLIAMS, an individual;

1 ROBBIN WINTERS, an individual;  
2 CATHY WOOD, an individual; ROMONA  
3 WRIGHT, an individual,

4 Plaintiff,

5 v.

6 ORTHO-MCNEIL PHARMACEUTICAL,  
7 INC., a Delaware Corporation;  
8 MCKESSON CORP and DOES 1-500,  
9 inclusive,

10 Defendants.

11 I, Brenda N. Buonaiuto, declare:

12 1. I am an attorney admitted to practice before all courts of the State of  
13 California and am Counsel with Drinker Biddle & Reath, LLP, attorneys for defendants  
14 Ortho-McNeil Pharmaceutical, Inc. ("OMP") and McKesson Corporation ("McKesson")  
15 in this action. I make this Declaration based on my personal knowledge, in support of  
16 OMP's removal of *Chole Allen, et al. v. Ortho-McNeil Pharmaceutical, Inc., a Delaware*  
17 *Corporation; McKesson Corp. and Does 1-500, inclusive*, Case Number CGC-07-461636  
18 to this Court. I would and could competently testify to the matters stated in this  
19 Declaration if called as a witness.

20 2. A true and accurate copy of the First Amended Complaint in this action is  
21 attached as **Exhibit A**. The First Amended Complaint is the only state court pleading  
22 known to OMP to have been filed in this action.

23 3. OMP was and is a corporation existing under the laws of the State of  
24 Delaware, with its principal place of business in New Jersey. OMP was served with the  
25 Summons and First Amended Complaint in this action on July 24, 2007.

26 4. McKesson was served with the Summons and Complaint in this action on  
27 July 30, 2007. McKesson consents to removal of this action to this Court.

28 5. OMP will file a notice of the filing of this Notice of Removal and Removal



1 in the San Francisco County Superior Court and will serve plaintiffs' counsel with a  
2 copy.

3 6. On March 1, 2006, the Judicial Panel on Multidistrict Litigation ("JPML")  
4 created MDL 1742, *In re: Ortho Evra Products Liability Litigation*, ruling that all  
5 federal actions involving allegations of injury or death from use of the prescription drug  
6 Ortho Evra® be centralized for pre-trial purposes in the United States District Court for  
7 the Northern District of Ohio, before the Honorable David A. Katz, Case Number 1:06-  
8 CV-40000-DAK. To date, over 500 cases have been transferred to MDL 1742, and  
9 transfers of additional "tag-along" actions are pending.

10 7. Attached as **Exhibit B** is a true and accurate copy of the Declaration of  
11 Greg Yonko, Senior Vice President – Purchasing, McKesson Corporation, filed in *Abel,*  
12 *Theresa, et al. v. Ortho-McNeil Pharmaceutical, Inc., et al.*, United States District Court,  
13 Northern District of California, Case No. C 06 7551 SBA, on December 8, 2006.

14 8. Attached as **Exhibit C** is a true and accurate copy of the Slip Opinion  
15 denying the plaintiffs' motion to remand in *In re Phenylpropanolamine ("PPA")*  
16 *Products Liability Litigation*, MDL No. 1407, Docket No. C02-423R, in the United  
17 States District Court for the Western District of Washington (Seattle), dated November  
18 27, 2002.

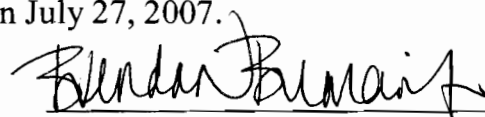
19 9. Attached as **Exhibit D** is a true and accurate copy of the Slip Opinion  
20 denying the plaintiffs' motion to remand in *Barlow, et al. v. Warner-Lambert Co., et al.*,  
21 Case No. CV 03-1647-R(RZx), in the United States District Court for the Central District  
22 of California (Western Division), dated April 28, 2003.

23 10. Attached as **Exhibit E** is a true and accurate copy of the Slip Opinion  
24 denying the plaintiffs' motion to remand in *Skinner, et al. v. Warner-Lambert Co., et al.*,  
25 Case No. CV 03-1643-R(RZx), in the United States District Court for the Central District  
26 of California (Western Division), dated April 28, 2003.

27 11. I have reviewed reports of verdicts and settlements in cases in this judicial  
28 district, brought by plaintiffs claiming serious injuries from the use of prescription drugs

1 or medical devices. Given the similarity between the injuries alleged in those cases and  
2 plaintiffs' claims, it is reasonably believed that if plaintiffs succeeded in proving their  
3 allegations in this action, they would each recover in excess of \$75,000, exclusive of  
4 interest and costs. Plaintiffs claiming substantially similar injuries in the Ortho Evra®  
5 MDL have specifically alleged that the amount in controversy in their respective actions  
6 exceeds \$75,000, exclusive of interest and costs.

7 I declare under penalty of perjury under the laws of the United States of America that  
8 the foregoing is true and correct. Executed on July 27, 2007.

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10 Brenda N. Buonaiuto  
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